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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Christine Whalen, et al.,

Plaintiffs,

v.

Kroger Co., Albertsons Companies, Inc.,
and Cerberus Capital Management, L.P.,

Defendants.

Case No.: 23-cv-00459-VC

**DECLARATION OF LAWRENCE G.
PAPALE IN SUPPORT OF PLAINTIFFS'
MEMORANDUM IN OPPOSITION TO
KROGER MOTION TO DISMISS**

Hearing Date: July 27, 2023

Time: 10:00 AM

Place: Courtroom 4, 17th Floor

Judge: Honorable Vince Chhabria

Complaint Filed: February 2, 2023

1. I, Lawrence G. Papale, declare as follows:
2. I am an attorney for the Plaintiffs in this matter. I am licensed to practice in the State of California and in this federal district court. I submit my declaration in support of

Plaintiffs' MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO
KROGER'S MOTION TO DISMISS.

3. I have personal, first-hand knowledge of the facts set forth in this Declaration.
If called as a witness, I could and would competently testify to these facts under oath.

4. Attached to this Declaration are true and correct copies of the following
charts:

- Exhibit A Chart Showing Location of Albertsons and Kroger Stores
by State, Source: [thekrogerco.com/newsroom/state-facts](https://www.thekrogerco.com/newsroom/state-facts),
[google.com](https://www.google.com) and [statista.com/statistics/1167508/Albertsons-](https://www.statista.com/statistics/1167508/Albertsons-operating-stores-by-state-us)
[operating-stores-by-state-us](https://www.statista.com/statistics/1167508/Albertsons-operating-stores-by-state-us).
- Exhibit B: Chart Showing Location of Kroger and Albertsons Stores
Nationwide, Source: Kroger Investor Relations.

5. I declare under the penalty of perjury under the laws of the United States and
the State of California that the foregoing is true and correct. Dated this 11th day of May,
2023, at Saint Helena, California.

/Lawrence Papale/
Lawrence G. Papale